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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

4

Application Number

10/595,735

Filing Date

05/08/2006

First Named Inventor

KANIA, Bruce G.

Art Unit

3643

Examiner Name

VALENTI, Andrea M.

Attorney Docket Number

FOU06-0002

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

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After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

Check No. 0929 in the amount of \$5.00; copy  
of Office Communication dated 02/11/2009 (2  
pages)

#### Remarks

As per 2/17/09 phone conversation with Gyzell P. Johnson Smith at the USPTO, the applicant  
only owes \$5.00 for the RCE fee.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Antoinette M. Tease, P.L.L.C.

Signature

*Antoinette M. Tease*

Printed name

Antoinette M. Tease

Date

02/17/2009

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### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
the date shown below: **Express**

Signature

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Typed or printed name

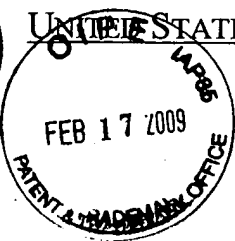
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Date

02/17/2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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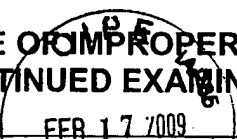
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Paper No.

Application No.: 10/595,735 	Date Mailed: 02/11/2009
First Named Inventor: Kania, Bruce, G.	Examiner: VALENTI, ANDREA M
Attorney Docket No.: FOU06-0002	Art Unit: 3643
Confirmation No.: 5516	Filing Date: 05/08/2006

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

<b>NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)</b> 	<b>Application No.</b> 10/595,735	<b>Applicant(s)</b> KANIA ET AL.	
		<b>Art Unit</b> 3600	<b>Date Mailed:</b>

The request for continued examination (RCE) under 37 CFR 1.114 filed on \_\_\_\_\_ is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☒ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☐ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this Notice MUST be returned with the reply.**

Direct any questions concerning this notice to

/GYZELL P. JOHNSON SMITH/, Technology Center 3600

Telephone Number: (571)272-6599